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June 22, 1999

VIA COURIER

Magalie Roman Salas, Commission Secretary  
Federal Communications Commission  
Portals II  
445 12th Street, N.W.  
Suite TW-A325  
Washington, D.C. 20554

RECEIVED  
JUN 22 1999  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Hyperion Telecommunications, Inc.'s Subsidiary's and Affiliate's IntraLATA  
Toll Dialing Parity Plan for Arkansas, File No. NSD-L-98-121, CC Docket 96-98

Dear Ms. Salas:

Enclosed for filing with the Federal Communications Commission ("Commission") is an original and four copies of Hyperion Telecommunications, Inc.'s ("Hyperion") IntraLATA Toll Dialing Parity Plan for the State of Arkansas ("Plan") for Hyperion's subsidiary Hyperion Communications of Arkansas, LLC and Hyperion's affiliate Entergy Hyperion Telecommunications of Arkansas, LLC. Pursuant to the Commission's June 18, 1999 Public Notice, Hyperion is also sending two additional copies of the Plan to Mr. Al McCloud of the Commission's Network Services Division.

The Arkansas Public Service Commission ("APSC") has taken no action on the Plan, filed with the APSC on May 7, 1999. Hyperion, therefore, files its Plan in order to conform to the Commission's Order, released on March 23, 1999, directing local exchange carriers ("LECs") to file their plans with the Commission on June 22, 1999, if "a state commission has not yet acted on a LEC's intraLATA toll dialing parity implementation plan."<sup>1</sup>

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<sup>1</sup> Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, and Petition of Southwestern Bell Telephone Company, Pacific Bell, and Nevada Bell Expedited Declaratory Ruling on Interstate IntraLATA Toll Dialing Parity or, in the Alternative, Various Other Relief, Order, CC Docket 96-98, NSD File No. L-98-121, FCC 99-54 (rel. March 23, 1999).

No. of Copies rec'd 0+4  
List A B C D E

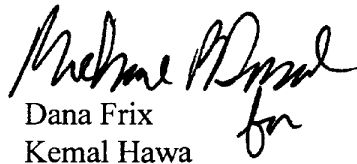
Magalie Roman Salas, Commission Secretary

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Please date stamp and return the enclosed extra copy of this filing in the self-addressed, postage-prepaid envelope provided. Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact Michael Donahue at (202) 424-7683.

Sincerely,

  
Dana Frix  
Kemal Hawa

Counsel for  
Hyperion Telecommunications, Inc.

cc: John Glicksman, Esq.  
Janet Livengood, Esq.  
Michael Donahue

# **HYPERION TELECOMMUNICATIONS, INC.**

## **INTRALATA TOLL DIALING PARITY PLAN**

### **INTRODUCTION**

Hyperion Telecommunications, Inc. ("Hyperion") has implemented the following processes which are designed to give end user customers the opportunity to designate a carrier for their intraLATA toll call traffic in those market areas where Hyperion is a facilities-based local exchange service provider. IntraLATA toll calls will automatically be directed to the designated carrier without the customer having to dial an access code.

### **POLICIES**

Hyperion will deploy two-PIC (Primary Interexchange Carrier) technology in its switches enabling customers to pre-subscribe to either the same or two different carrier for their intraLATA and interLATA service.

Appropriate tariffs will be revised and filed in accordance with this plan.

Hyperion will offer customers the ability to access all participating carriers by dialing the appropriate access code (10XXX/101XXXX).

All eligible Hyperion end user telephone line numbers will be pre-subscribed and have a PIC associated with them.

### **CARRIER INFORMATION**

Interexchange carriers will have the option of offering intraLATA service only or intraLATA and interLATA service.

Interexchange carriers will have the option of participating in all market areas or in a specific market area.

Interexchange carriers will be required to return a completed Non-Disclosure Agreement and Participation Agreement(s).

Hyperion will not participate in billing disputes for intraLATA service between an alternative competing interexchange carrier and its customers.

Hyperion representatives will not initiate or accept three-way calls from an alternative interexchange carriers in order to discuss pre-subscription.

Carriers wishing to participate will be requested to submit Access Service Requests/Translation Questionnaires to the Access Tandem owner and to Hyperion.

## **CALL ELIGIBILITY/TOLL DIALING PLAN**

All local service customers of Hyperion will have calls routed according to the following plan:

If a Hyperion Customer Dials:

The Call is Handled  
By/Routed To:

911

PSAP on originating line number

411/555-1212

Hyperion's Directory Assistance Operator

0-

Hyperion's Operator

0 + intraexchange number

IntraLATA Toll Provider

1 + 7 or 10 digits

IntraLATA Toll Provider

0 + 7 or 10 digits interexchange number

InterLATA Toll Provider

10XXX or 101XXXX + 0-

XXX/XXXX Carrier

10XXX or 101XXXX + 0 + 7 or 10 digits

XXX/XXXX Carrier

10XXX or 101XXXX + 7 or 10 digits

XXX/XXXX Carrier

If a Hyperion customer originates a call to an alternative interexchange carrier's Operator by dialing 00-, the call will be routed to the PIC on that customer's line. If the customer originates a call to an alternative interexchange carrier's Operator by dialing an access code (e.g., 10XXX/101XXXX + 0-), the call will be routed to the XXX/XXXX carrier. In both cases, the carrier's switch is responsible for routing this call to the alternative interexchange carrier's Operator or to an announcement.

## **NETWORK INFORMATION**

All originating intraLATA traffic will initially be routed via the incumbent Local Exchange Carrier (LEC) Access Tandem(s). Following conversion, direct trunks between the Hyperion switch and the interexchange carrier location(s) may be provided when warranted by traffic volume.

Interexchange carriers must have Feature Group D trunks in place (or ordered) between their point of presence and the incumbent LEC Access Tandem(s).

Hyperion will route all originating intraLATA traffic to the designated carrier and will only block traffic at the request of the end user customer and/or in compliance with regulatory requirements. Requests from carriers to block traffic or to remove customers from their network will not be honored. Calls that cannot be completed to a carrier will be routed to an announcement.

## **CUSTOMER CONTACT INFORMATION**

Hyperion customer contact representatives will process customer initiated PIC selections to Hyperion or to an alternative intraLATA carrier. Carriers will have the option of allowing the Hyperion representative to process PIC requests on their behalf.

Hyperion will not ballot or allocate its customer base. At the time of conversion, all customers will be "PIC'd" to Hyperion unless another carrier is chosen by the particular customer.

Hyperion customer contact representatives will respond to customer inquiries about intraLATA carriers in a competitively neutral fashion. If a customer requests information on alternative carriers other than Hyperion, a list of participating carriers will be read to that customer in random order by Hyperion representatives.

If the intraLATA toll carrier selected by the customer permits Hyperion to process orders on its behalf, Hyperion will accept the PIC change request. If the customer selects an intraLATA toll carrier that does not allow Hyperion to process PIC changes on its behalf, Hyperion will provide the customer with the carrier's toll-free number (if provided by the carrier).

Hyperion representatives will not discuss alternative carrier rates or services and will not provide customers with Carrier Identification Codes or access code dialing instructions.

## **PRE-SUBSCRIPTION INFORMATION**

A \$5.00 PIC change charge will be incurred and billed to a Hyperion customer for each eligible line where a PIC change is made. Hyperion will offer its customers a 90-day grace period following the implementation of this plan during which the customers may change intraLATA carriers without incurring a PIC change charge. Customers can make multiple PIC changes during these 90 days at no charge. After the 90-day period, Hyperion will assess the \$5.00 PIC change charge for each PIC change made. Hyperion will offer interexchange carriers the option of having the PIC charge billed to the carrier or directly to the customer.

New line customers, including customers adding lines, will have the opportunity to select a participating carrier, or they will be assigned a NO PIC designation. If a customer cannot decide upon an intraLATA carrier at the time of order, Hyperion may extend a 30-day period following placement of the customer's service order for the customer to select an intraLATA carrier without charge. Such a customer will be assigned a NO PIC designation in the interim. After this 30-day period, Hyperion will assess the \$5.00 PIC change charge as described above. Customers assigned a NO PIC designation as set forth in this paragraph will be required to dial an access code to reach an intraLATA carrier's network.

If a Hyperion customer denies requesting a change in intraLATA toll providers as submitted by an intraLATA carrier, and the intraLATA carrier is unable to produce a Letter of Agency signed by the customer or some other form of verification that is permitted by law, the intraLATA carrier will be

assessed a \$30.00 charge for the unauthorized PIC change and the PIC will be changed as per the customer's request. This penalty is in addition to any other penalties authorized by law.

Alternative interexchange carriers may submit PIC changes to Hyperion via a fax/paper interface.

Hyperion will process intraLATA PIC selections in the same manner and under the same intervals of time as interLATA PIC changes.

Carriers will be required to submit PIC changes using the Customer Account Record Exchange (CARE) format via paper medium. Hyperion will provide carriers with PIC order confirmation and reject information using the CARE format. Specific details regarding CARE will be provided to participating carriers.

For customers who change their local service provider from the incumbent LEC to Hyperion and retain their incumbent LEC telephone number(s), Hyperion, as part of the CARE PIC process, will provide the selected intraLATA carrier with both the retained (incumbent LEC) telephone number and the Hyperion telephone number.

Dated: May 7, 1999

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